



The Dependent Claims

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The language of Claim 64 is identical to that of Buter '438 patent Claim 2 except that it recites polyol fatty-acid --polyesters-- instead of "esters," to agree with Claim 63, and it recites the phrase --the fatty-acid lower-alkyl ester reactant-- instead of "reactants". This is not a change in substance, since when the Buter patent discloses the addition of reactants in the later stages, it specifies "in particular the fatty-acid lower-alkyl ester." Col. 3, lns. 53-57.

The language of Claim 66 is identical to that of Buter '438 patent Claim 4 except that it recites a partially overlapping range, i.e. from --8 to 22-- carbon atoms instead of "6 to 14" carbon atoms, and omits the phrase "short chain" preceding the word "soaps."

The language of Claim 68 is identical to that of Buter '438 patent Claim 6 except that it omits the word "transesterification" before "catalyst", as discussed above, and recites --potassium hydroxide and carbonates of potassium and sodium-- instead of "hydroxides, carbonates and bicarbonates of potassium and sodium."

The language of Claim 69 is identical to that of Buter '438 patent Claim 7 except that it recites a range of --10 to 60%--, which encompasses Buter's narrower range of "10 to 40%". In addition, Claim 69 uses the terminology --stage-- instead of "zone" and --degree of esterification-- instead of "degree of polyol conversion." As discussed above with respect to Claim 63, this terminology is equivalent.

The language of Claim 70 is identical to that of Buter '438 patent Claim 8 except that it uses --stage-- instead of "zone" as discussed above, and includes the phrase

--does not contain any substantial amount of solvent-- instead of "has a solvent level of 0.1 % by weight or less." The Buter patent makes clear that its objective is to carry out the reaction "under substantially solvent-free conditions." Col. 1, lns. 7-8.

The language of Claim 71 is identical to that of Buter '438 patent Claim 9 except that it uses --stage-- instead of "zone" as discussed above, and recites a narrower temperature range of --130°C to 140°C--, within Buter's "120°C to 150°C."

The language of Claim 72 is identical to that of Buter '438 patent Claim 13 except that it uses --stage-- instead of "zone" as discussed above, and recites an average residence time of --about 1.5 hours--, within Buter's "range of from 1.5 to 2.5 hours."

The language of Claim 73 is identical to that of Buter '438 patent Claim 14 except that it uses --stage-- instead of "zone" and omits the word "transesterification" before catalyst, as discussed above, and recites a molar ratio range of --about 0.01:1 to about 0.5:1--, which encompasses Buter's narrower range of "0.1:1 to 0.3:1."

The language of Claim 74 is identical to that of Buter '438 patent Claim 15 except that it uses --stage-- instead of "zone" as discussed above, and recites a molar ratio of --0.2:1 to 0.6:1--, within the broader range of "0.2:1 to 0.8:1" claimed by Buter.

The language of Claim 75 is identical to that of Buter '438 patent Claim 17 except that it recites a degree of esterification of --at least about 70%--, which encompasses Buter's narrower range of "90% or more". In addition, the claim's dependency has been changed to depend on Claim 63. In the Buter '438 patent, Claim 17 depends on Claim 16, which has no corresponding claim in the present application because it would have been redundant. Finally, Claim 75 uses the terminology --degree of esterification-- instead of

"polyol conversion." As discussed above with respect to Claim 63, these terms are equivalent.

The language of Claim 77 is identical to that of Buter '438 patent Claim 19 except that it recites a molar ratio of --7.2:1 to 15:1--, partially overlapping Buter's range of "10.5:1 to 18:1."


The language of Claim 78 is identical to that of Buter '438 patent Claim 20 except that it uses the terms --stage-- and --stages-- instead of "zone" and "zones" to describe the first reaction stage and separate subsequent reaction stages, respectively, as discussed with respect to Claim 63 above.

Finally, other than their numbering, and other than the fact that the claim on which they depend, Claim 63, differs from Buter '438 patent Claim 1 as noted above, Claims 65, 67 and 76 correspond exactly to Claims 3, 5 and 18 of the Buter '438 patent.

It is therefore respectfully requested that an interference be declared between the instant application and Buter U.S. Patent No. 5,043,438.

Respectfully submitted,

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